

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

KENTUCKY UTILITIES COMPANY

\_\_\_\_\_  
ALLEGED FAILURE TO COMPLY WITH  
COMMISSION REGULATION 807 KAR 5:006,  
SECTION 24

)  
)  
) CASE NO.  
) 91-269  
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O R D E R

On August 9, 1991, Kentucky Utilities Company ("KU") was ordered to show cause why it should not be penalized pursuant to KRS 278.990 for its alleged failure to comply with Commission Regulation 807 KAR 5:006, Section 24.

Following the commencement of this proceeding, KU and Commission Staff entered into negotiations to resolve all disputed issues. On November 15, 1991, a Settlement Agreement was executed and submitted to the Commission for approval.

After reviewing the Settlement Agreement and being otherwise sufficiently advised, the Commission finds that the Settlement Agreement is in accordance with the law, does not violate any regulatory principle, results in a reasonable resolution of this case, and is in the public interest.

IT IS THEREFORE ORDERED that:

1. The Settlement Agreement, appended hereto, is incorporated into this Order as if fully set forth herein.


2. The terms and conditions set forth in the Settlement Agreement are adopted and approved.

3. KU shall pay the agreed penalty within 10 days of the date of this Order by certified check or money order made payable to Treasurer, Commonwealth of Kentucky. Said check or money order shall be mailed or delivered to the Office of General Counsel, Public Service Commission, 730 Schenkel Lane, P. O. Box 615, Frankfort, Kentucky 40602.

Done at Frankfort, Kentucky, this 21st day of November, 1991.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

\_\_\_\_\_  
Commissioner

ATTEST:

  
Executive Director

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BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

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SETTLEMENT AGREEMENT

This Settlement Agreement is entered into this 15<sup>th</sup> day of November, 1991, by and between Kentucky Utilities Company ("KU") and the Staff of the Public Service Commission of Kentucky ("Commission Staff").

WHEREAS, Commission Staff issued an Electrical Utility Accident Investigation Report dated July 8, 1991 ("Investigation Report") detailing its investigation of an accident which involved KU facilities; and

WHEREAS, Commission Staff in its Investigation Report found that certain actions of KU constituted probable violations of Commission Regulation 807 KAR 5:006, Section 24; and

WHEREAS, on August 9, 1991, the Public Service Commission of Kentucky ("Commission") ordered KU to show cause why it should not be subject to the penalties of KRS 278.990 for its alleged violations of Commission Regulation 807 KAR 5:006, Section 24; and

WHEREAS, KU and Commission Staff have stipulated to the following:

1. KU is a private corporation formed under the provisions of KRS Chapter 271A, is engaged in the distribution of electricity to the public, for compensation, for light, heat, power and other uses, and is therefore a utility subject to the regulatory jurisdiction of the Commission.
2. Commission Regulation 807 KAR 5:006, Section 24, requires an electrical utility to submit to the Commission a summary written report of any utility related accident which results in death or serious injury. It further requires that such report be submitted within seven days of the accident.
3. On June 10, 1991, Wayne Prewitt was seriously injured in Lexington, Kentucky, while working on KU facilities.
4. KU submitted a summary written report of this incident to the Commission on June 27, 1991; and

WHEREAS, KU and Commission Staff desire to settle the issues raised by this proceeding.

NOW, THEREFORE, KU and Commission Staff agree as follows:

1. KU shall, within ten days of entry of an Order approving this Settlement Agreement, pay to the Kentucky State Treasurer the sum of Seven hundred and fifty dollars (\$750).

2. This Settlement Agreement constitutes full satisfaction of any penalties arising out of the June 10, 1991 incident. Commission Staff shall recommend to the Commission that this Settlement Agreement be approved and that this proceeding be closed and removed from the Commission's docket.

3. This Settlement Agreement is subject to the acceptance and approval of the Commission.

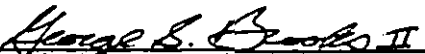
4. If the Commission fails to accept and approve the Settlement Agreement in its entirety, this proceeding shall go

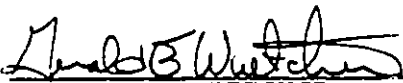
forward and neither the terms of this Settlement Agreement nor any matters raised during settlement negotiations shall be binding on any signatory.

5. If the Commission accepts and approves this Settlement Agreement in its entirety and enters an Order in this proceeding to that effect, KU shall not apply for rehearing in this proceeding nor bring an action for review of that Order.

IN WITNESS WHEREOF, KU and Commission Staff have executed this Settlement through their duly authorized attorneys.

AGREED TO BY:

  
GEORGE S. BROOKS II  
General Counsel  
Kentucky Utilities Company

  
GERALD E. WUETCHER  
Staff Counsel  
Public Service Commission  
of Kentucky Staff